

Appl. No. 10/822,368
Amdt. dated January 15, 2008
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2128

PATENT

REMARKS/ARGUMENTS

In the Office Action mailed November 26, 2007, the Specification was objected to for an informality and claim 1 was objected to for containing a grammatical error. Claims 1-10 and 21 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 2, 5, 11-13, 19 and 20 were rejected under 35 U.S.C. 103(a) over U.S. Patent Application Publication No. 2003/0022583 to *Thomas et al.*, in view of U.S. Patent No. 5,343,796 to *Cordova et al.* Claims 3-4, 6-10 and 14-18 were rejected under 35 U.S.C. 103(a) over *Thomas et al.* and *Cordova et al.*, in view of U.S. Patent No. 5,837,620 to *Kajander*. Finally, claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Thomas et al.* in view of *Cordova et al.*, and further in view of *Kajander*.

The Amendment cancels claims 2 and 12, and amends claims 1 and 21 to specify that the empirical performance data includes fiber dispersion. Claim 11 is similarly amended to specify that the performance characteristic comprises fiber dispersion. The Amendment also clarifies that the term "dispersion" is referring to "fiber dispersion," which is the degree of separation of glass fiber bundles into individual filaments during a manufacturing process (see Specification, p. 5, ll. 14-15). Claims 1 and 21 are also amended according to the recommendations of the Office Action. Finally, claim 8 is amended to correct a typographical error. No new matter is believed added by the Amendment and Claims 1, 3-11, and 13-21 are pending in the Application. Withdrawal of the objections and rejections is respectfully requested in view of the Amendment and the following remarks.

A. The Amendment Moots the Objection and Indefiniteness Rejection of the Claims

The objection to claim 1, and the rejection of claims 1-10 and 21 under 35 U.S.C. § 112, second paragraph, are made moot by the Amendment. Claim 1 is amended to recite the singular "comprises" on line 4, and claims 1 and 21 are amended according to the Office's recommendations to address the § 112 rejection. Accordingly, withdrawal of the objection and rejection is respectfully requested.

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B. The Rejections Under § 103(a) Are Addressed

The rejections of claims 1, 2, 5, 11-13, 19 and 20 under § 103(a) over *Thomas* in view of *Cordova*; and claims 3-4, 6-10, 14-18, and 21 under § 103(a) over *Thomas* and *Cordova* in view of *Kajander* are respectfully traversed because the references do not use fiber dispersion to help design a fibrous, non-woven mat. Claims 1 and 11 have been amended to specify that fiber dispersion is part of the empirical performance data or a performance characteristic used in the mat design methods. In addition, claims 1, 11, and 21 are amended to clarify that dispersion refers to "fiber dispersion," which is the degree of separation of glass fiber bundles into individual filaments during a manufacturing process (*see* Specification, p. 5, ll. 14-15).

In contrast, *Thomas* does not describe or suggest fiber dispersion as a variable in the regression equations used to predict the ballistic resistance of a ballistic resistant fabric (*cf* *Thomas*, p. 5, paragraph 93). Although the Office Action noted that paragraph 61 in *Thomas* described strain wave velocity as the speed at which a fiber or structure can absorb and *disperse* strain energy, energy dispersion is not fiber dispersion. As noted above, fiber dispersion is the degree of separation of glass fiber bundles into individual filaments during a manufacturing process. The dispersion of strain energy to dissipate the impact energy of a bullet does not describe or suggest fiber dispersion.

Thomas' failure to use fiber dispersion to help design a fibrous, non-woven mat is not remedied by the secondary references. Neither of these references use fiber dispersion in a prediction equation that helps design the production of a fibrous non-woven mat. Thus, the claims are allowable over the cited references, as well as their dependent claims. Accordingly, withdrawal of the rejections of claims 1, 2, 5, 11-13, 19 and 20 under § 103(a) over *Thomas* in view of *Cordova*; and claims 3-4, 6-10, 14-18, and 21 under § 103(a) over *Thomas* and *Cordova* in view of *Kajander* is respectfully requested.

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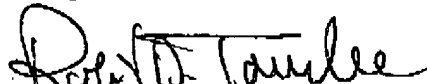
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-978-3927.

Respectfully submitted,


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